

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of)	
Susan Goodman)	Administrative
)	Order #25-006

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on March 3, 2025. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Susan Goodman based on stipulated facts concerning Ms. Goodman’s erroneously voting a mail ballot issued to another voter. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel was also present.

Background

As a result of a Voter Participation Project report issued by the Election Registration Information Center (“ERIC report”), the Board’s Office of General Counsel (“OGC”) became aware of evidence that a ballot was cast in the D.C. 2022 General Election (“GE”) by a voter with the same name as a voter who cast a ballot in the November 2022 General Election in Colorado. In checking the D.C. ballot return envelope for the voter, OGC ascertained, however, that the signature on that envelope, although not fully decipherable, appeared to be a name of someone other than the voter. After further research, OGC was able match the signature on the ballot to Susan Goodman, another voter living at the address on the D.C. ballot return envelope.

Based on this information, OGC notified Susan Goodman that it was investigating the signature mismatch for possible fraudulent voting and that a pre-hearing conference would be held

with respect to such investigation on February 21, 2025. Upon receipt of the notice, Ms. Goodman contacted the OGC attorney investigating the matter and volunteered that, while she did not recall voting the ballot of another party, she frequently received mail for the person whose ballot was at issue and she may have accidentally voted that person's ballot. Ms. Goodman was advised that she could place her explanation with respect to her casting of another voter's ballot on the record at the pre-hearing conference.

On February 21, 2025, Ms. Goodman appeared at the pre-hearing conference. As in her prior telephone conversation, she did not deny that she cast a ballot intended for another party. Rather, she acknowledged that she likely cast that ballot inadvertently. Given the clear evidence that a ballot had been miscast, the OGC attorney investigating the matter advised Ms. Goodman that the matter would have to be addressed by the Board. She informed Ms. Goodman that the Board would likely consider the matter at its next Board meeting and that she had the option of entering into a stipulated agreement with OGC prior to that meeting. Following the pre-hearing conference, a proposed stipulation was presented to Ms. Goodman.¹

On February 28, 2025, Ms. Goodman executed the proposed stipulation. By that stipulation, Ms. Goodman acknowledged that the signature on the signature line appearing above the pre-printed name of another person on a 2022 GE ballot return envelope was her signature and she stipulated to the admission into evidence of the scanned image of that ballot return envelope. Ms. Goodman agreed in the stipulation that she erroneously voted a D.C. 2022 GE ballot that was issued to another voter.² She admitted that she failed to exercise care and caution in completing

¹ Stipulations as to facts and evidence may be adopted through OGC pre-hearing conference proceedings. *See* 4 DCMR § 416.

² The General Counsel's investigation did not reveal any evidence that a D.C. 2022 General Election ballot that had been issued to Ms. Goodman had been voted. Accordingly, there is no evidence here of double voting.

and returning the ballot to the Board. Ms. Goodman further stipulated that she did not intend to vote a ballot issued to another voter.

At the March 3, 2025 Board meeting, the Office of General Counsel attorney who investigated the matter briefly stated the facts of the case and explained that the stipulation had been offered for entry into the record and that the matter was being submitted to the Board for enforcement subject to the recommendation of the General Counsel. Ms. Goodman was not present, but she had submitted a written statement addressed to the Board that was read into the record. In her statement, Ms. Goodman apologized and reiterated that she did not intend to do anything wrong. The Board Chair requested that the General Counsel provide her recommendation in the matter. The General Counsel noted that, while Ms. Goodman did not intend to vote the ballot of another voter, some action should be taken. Accordingly, she recommended that a \$100.00 civil penalty be imposed.

After hearing from the General Counsel and considering Ms. Goodman's statement, the Board Chair made a motion that a civil fine of \$100.00 be imposed on Ms. Goodman for her attempting to vote another person's ballot. The motion was duly seconded and passed unanimously.

Discussion

The election laws provide that it is a crime to “make any false representations as to the person's qualifications for . . . voting” or to fraudulently cast a ballot.³ The Board can, upon the General Counsel's recommendation, initiate enforcement with respect to criminal matters by

³ See D.C. Code § 1-1001.14(a) and § 1-1001.14(a-1)(1)(D), respectively. The penalty for violating either of those provisions is a fine up to a \$10,000 and/or a term of incarceration of up to 5 years. In addition, D.C. Official Code § 22-2405(b) criminalizes willfully making false statements to D.C. government entities. The penalty for that violation is a fine of up to \$1,000 and imprisonment of not more than 180 days, or both.

referral to the U.S. Department of Justice and/or to the Attorney General for the District of Columbia.⁴ We may also impose civil fines of up to \$2,000 for each election law violation upon the recommendation of the General Counsel.⁵ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote falsely or fraudulently in violation of the election laws and, if so, to determine the appropriate enforcement action.

In this matter, the facts are undisputed. Ms. Goodman has admitted that, contrary to the qualifications for voting specified in the instructions provided with the ballot, she signed a name on the ballot return envelope signature line that was not the “[s]ignature of voter to whom this ballot was sent[.]” She has acknowledged facts showing that she attempted to vote a ballot issued to another party.

That said, Ms. Goodman has stipulated that her conduct was erroneous and that she did not intend to attempt to vote a ballot that was issued to another voter. Ms. Goodman’s claim is supported by the fact that she did not sign the name of the intended recipient of the ballot or otherwise attempt to forge the name of the voter. Instead, the ballot return envelope evidence shows a hand-written signature that is reasonably decipherable as a name that differs from the type-printed voter name immediately below it, which reasonably suggests that Ms. Goodman attempted to vote another’s ballot by mistake. Accordingly, we decline to find that Ms. Goodman had the level of intent required for a criminal conviction. That said, the General Counsel has recommended that a civil penalty be imposed. We concur that Ms. Goodman’s conduct should have consequences. Under the circumstances, we believe that a fine of \$100.00 is appropriate.

⁴ See D.C. Code § 1–1001.18(a)-(b). Civil penalties for voter fraud may be imposed in addition to criminal ones. See D.C. Code § 1–1001.14 (c) (“The provisions of this section shall be supplemental to, and not in derogation of, any penalties under other laws of the District of Columbia.”).

⁵ *Id.* (authorizing such civil penalty for a violation of “any provision” of the election laws). See also D.C. Code § 1–1001.05(a)(16) (authorizing the Board to “[p]erform such other duties as are imposed upon it by this subchapter”).

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the recommendation of the General Counsel is **ACCEPTED**, and that Ms. Goodman is directed to pay a civil fine of \$100 by no later than April 30, , 2025.⁶

Date: March 7, 2025



Gary Thompson
Chairman
Board of Elections

⁶ **Payment must be made by check or money order made out to the “D.C. Treasurer.”** It may be mailed to the attention of the General Counsel at the Board’s offices (1015 Half Street, Suite 750, S.E., Washington, D.C. 20003) or hand delivered at that address.